

HOUSE STUDY GROUP

(House Bills)

HE, HCR, HJR, HSR 970-126 Sponsor (s) *Grant

Subject: Pre-emptory disqualification of a district judge in a civil case

Committee Judiciary

Vote Reported Favo

Ayes: 8 Present Not Voting: 3 Voting Nay:

Nays: 0 Absent: 0

Committee Witnesses: Support

Opposition

C. Raymond Judice, himself

Executive Director, Texas

Civil Judicial Council (Austin)

Digest: This bill would allow the automatic disqualification of a judge from a case if a party files an affidavit alleging bias on the grounds of prejudice, financial interest in the outcome, relationship between the judge and a party, that the judge had acted as counsel in the case, or other personal bias. No other proof is required to require that the judge be disqualified from the case. Each side gets one peremptory challenge.

Comments: The bill changes current law in that it would allow disqualification based on the personal prejudices of the judge, something now almost impossible to "prove" even where known and obvious. It provides a simple administrative procedure and should help insure a fairer trial for defendants.

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